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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

RIES, LAURIE ANNE

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/841,017		SAHOTA ET AL.	
	Examiner		Art Unit	
	Laurie Ries		2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 59-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 59-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Amendment, filed 31 October 2005, to the original Application, filed 23 April 2001.
2. The rejection of claims 1-5 under 35 U.S.C. 112, second paragraph, has been withdrawn as necessitated by amendment.
3. Claims 59-60 remain rejected under 35 U.S.C. 102(a) as being anticipated by Puder ("System Support for Knowledge-Based Trading in Open Service Markets").
4. Claims 1-2 and 6-7 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Ensink ("XML Based Adaptation of the Composite Approach for Database Integration") in view of Spencer ("Using XML to Build Internet Solutions").
5. Claims 3 and 8 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Ensink ("XML Based Adaptation of the Composite Approach for Database Integration") in view of Spencer ("Using XML to Build Internet Solutions"), Lonnroth (U.S. Patent 6,826,597 B1), and Nussbaum (U.S. Patent 6,779,154 B1).
6. Claims 4 and 9 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Ensink ("XML Based Adaptation of the Composite Approach for Database

(

Integration”) in view of Spencer (“Using XML to Build Internet Solutions”) and Lonnroth (U.S. Patent 6,826,597 B1).

7. Claims 5 and 10 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Ensink (“XML Based Adaptation of the Composite Approach for Database Integration”) in view of Spencer (“Using XML to Build Internet Solutions”) and Arens (“Intelligent Caching: Selecting, Representing, and Reusing Data in an Information Server”).

8. Claim 61 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Puder (“System Support for Knowledge-Based Trading in Open Service Markets”) in view of Kremen (U.S. Patent 5,706,434).

9. Claims 1-10 and 59-61 are pending. Claims 11-58 and 62-66 have been cancelled. Claims 1, 6, and 59 are independent claims.

Response to Arguments

10. Applicant's arguments filed 31 October 2005 have been fully considered but they are not persuasive.

Applicant argues in Section A on Pages 6-7 of the Instant Amendment that Puder fails to teach conversion rules recited in claim 59. The Office respectfully disagrees. Puder teaches that data acquired from different domains and having different type domains are converted using an "interceptor". The interceptor selects a subtyping rules for an input operation and converts the parameters of a function call according to contra- and covariance rules stored in a rules database. This enables the user to compare data from multiple type domains (See Puder, Page 293, first three paragraphs under Figure 3).

Regarding Applicant's argument in Section B on Page 7 of the Instant Amendment that Puder in combination with Kremen fails to teach storing acquisition and conversion rules, the Office respectfully disagrees. As explained above, the Office maintains that Puder teaches this limitation.

Applicant argues in Sections C and D on Pages 8 and 10 of the Instant Amendment that Ensink in combination with Spencer fails to teach capture templates used to harvest content by controlling the extraction of data. The Office respectfully disagrees. Ensink teaches a model or template of a book defined using a derivation of XML called BookStore Markup Language. This template is used to capture or harvest content from various books in the form of information specific to the template definition, such as isbn number, title, authors, etc. The information captured by the template is used to keep track of the information from each book

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

11. Claims 59-60 are rejected under 35 U.S.C. 102(a) as being anticipated by Puder (“System Support for Knowledge-Based Trading in Open Service Markets”).

As per claim 59, Puder discloses a method for harvesting content including harvesting content from disparate content sources by accessing content and media assets from web sites on the Internet network (See Puder, Page 289, Introduction, first paragraph) based on acquisition and conversion rules stored in a repository (See Puder, Pages 291-292, Section 3).

As per claim 60, Puder discloses the limitations of claim 59 as described above. Puder also discloses navigating a web site using a browser to locate and access content and media assets (See Puder, Page 293, Section 3.2, first paragraph) without changing existing content on the web site, in light of the definition of Web browser in the Microsoft Computer Dictionary, Third Edition (See Microsoft Computer Dictionary, Third Edition, Page 505, a “web browser” allows users to access files and software or browse documents on the World Wide Web and to play audio and video files associated with a document).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-2 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ensink ("XML Based Adaptation of the Composite Approach for Database Integration") in view of Spencer ("Using XML to Build Internet Solutions").

As per claims 1 and 6, Ensink discloses a syndication method and system including creating capture templates to harvest content from disparate content sources on multiple platforms (See Ensink, Pages 4-5, Section 5.1), extracting data from the disparate content sources using the created capture templates to control the extraction process (See Ensink, Pages 4-5, Section 5.1), and providing the data for optimized display on one or more different types of platforms (See Ensink, Page 5, Column 1, first paragraph). Ensink does not disclose expressly that the data is presented in a standardized, normalized data stream. Spencer discloses data in the form of a standardized data stream (See Spencer, Paragraphs 1-2). Ensink and Spencer are analogous art because they are from the same field of endeavor of using XML to represent data. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the standardized data stream of Spencer with the system and method of Ensink. The motivation for doing so would have been to enable a variety of applications to read from and write to the data (See Spencer, Paragraph 1).

Therefore, it would have been obvious to combine Spencer with Ensink for the benefit of enabling a variety of applications to read from and write to the data to obtain the invention as specified in claims 1 and 6.

As per claims 2 and 7, Ensink and Spencer disclose the limitations of claims 1 and 6 as described above. Ensink also discloses that the content includes XML content, which is one of the possible content types set forth in claims 2 and 7 (See Ensink, Page 4, Section 5.1).

13. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ensink ("XML Based Adaptation of the Composite Approach for Database Integration") in view of Spencer ("Using XML to Build Internet Solutions") as applied to claims 1 and 6 above, and further in view of Lonroth (U.S. Patent 6,826,597 B1) and Nussbaum (U.S. Patent 6,779,154 B1).

As per claims 3 and 8, Ensink and Spencer disclose the limitations of claims 1 and 6 as described above. Ensink and Spencer do not disclose expressly creating one or more XML files or documents to define rules, logic, and content extraction parameters. Lonroth discloses that the creating of the capture templates includes creating one or more XML files or documents to define rules, logic, and content extraction parameters (See Lonroth, Column 2, lines 35-51, Column 3, lines 23-31, and Column 9, lines 39-49). , Ensink and Spencer also do not disclose expressly that the capture templates are to provide an ability to insert new media types and content optimized for a particular platform. Nussbaum discloses inserting new media types and

content (See Nussbaum, Column 8, lines 14-34). Ensink, Spencer, Lonroth and Nussbaum are analogous art because they are from the same field of endeavor of using XML to represent data. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the creation of XML files to define rules, logic and content extraction parameters of Lonroth with the method of harvesting data of Ensink and Spencer. The motivation for doing so would have been to allow clients to retrieve data from data sources that do not necessarily support the same protocols and formats as the clients (See Lonroth, Column 3, lines 14-16). At the time of the invention it would also have been obvious to a person of ordinary skill in the art to include the insertion of new media types and content of Nussbaum with the system and method of Ensink and Spencer. The motivation for doing so would have been, as in the example presented in Nussbaum, to enable a browser to recognize a stored "help" file as an audio file to be played by an audio plug-in (See Nussbaum, Column 8, lines 32-34). Therefore, it would have been obvious to combine Lonroth and Nussbaum with Ensink and Spencer for the benefit of to allowing clients to retrieve data from data sources that do not necessarily support the same protocols and formats as the clients, and enabling a browser to recognize a stored "help" file as an audio file to be played by an audio plug-in, to obtain the invention as specified in claims 3 and 8.

14. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ensink ("XML Based Adaptation of the Composite Approach for Database Integration")

in view of Spencer ("Using XML to Build Internet Solutions") as applied to claims 1 and 6 above, and further in view of Lonnroth (U.S. Patent 6,826,597 B1).

As per claims 4 and 9, Ensink and Spencer disclose the limitations of claims 1 and 6 as described above. Ensink and Spencer do not disclose expressly generating content and code optimized and personalized for a specific platform, network or local market. Lonnroth discloses that providing the standardized data stream for display includes providing the standardized data stream on a television display, personal computer display, or an electronic portable device display (See Lonnroth, Column 3, line 67, and Column 4, lines 1-6), and generating content and code optimized, personalized for a specific platform, network environment or local market (See Lonnroth, Column 3, lines 63-67, and Column 4, lines 1-14). Ensink, Spencer, and Lonnroth are analogous art because they are from the same field of endeavor of using XML to represent data. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the optimized and personalized content for a specific platform, environment or local market of Lonnroth with the method of harvesting data of Ensink and Spencer. The motivation for doing so would have been to allow clients to retrieve and process data from data sources that do not necessarily support the same protocols and formats as the clients (See Lonnroth, Column 3, lines 14-16). Therefore, it would have been obvious to combine Lonnroth with Ensink and Spencer for the benefit of allowing clients to retrieve and process data from data sources that do not necessarily support the same protocols and formats as the clients to obtain the invention as specified in claims 4 and 9.

15. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ensink ("XML Based Adaptation of the Composite Approach for Database Integration") in view of Spencer ("Using XML to Build Internet Solutions") as applied to claims 1 and 6 above, and further in view of Arens ("Intelligent Caching: Selecting, Representing, and Reusing Data in an Information Server").

As per claims 5 and 10, Ensink and Spencer disclose the limitations of claims 1 and 6 as described above. Ensink and Spencer do not disclose expressly caching the data stream, templates or content. Arens discloses caching data or information (See Arens, Abstract). Ensink, Spencer and Arens are analogous art because they are from the same field of endeavor of storing and accessing electronic data. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the caching of data of Arens with the data stream, templates and content of Ensink and Spencer. The motivation for doing so would have been to reduce the cost of retrieving data (See Arens, Abstract). Therefore, it would have been obvious to combine Arens with Ensink and Spencer for the benefit of reducing the cost of retrieving data to obtain the invention as specified in claims 5 and 10.

16. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Puder ("System Support for Knowledge-Based Trading in Open Service Markets") as applied to claim 59 above, and further in view of Kremen (U.S. Patent 5,706,434).

As per claim 61, Puder discloses the limitations of claim 59 as described above. Puder does not disclose expressly using an Internet protocol. Kremen discloses using standard data communication network protocols, including the Transmission Control Protocol/Internet Protocol suite (TCP/IP) (See Kremen, Column 2, lines 61-66). Puder and Kremen are analogous art because they are from the same field of endeavor of transmitting data over the Internet. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the TCP/IP protocol of Kremen with the method of harvesting content of Puder. The motivation for doing so would have been to allow for a diverse set of client applications that communicate using TCP/IP, thus supporting the diversity of data communications in the commercial marketplace (See Kremen, Column 2, lines 66-67, and Column 3, lines 1-5). Therefore, it would have been obvious to combine Kremen with Puder for the benefit of allowing for a diverse set of client applications that communicate using TCP/IP that supports the diversity of data communications in the commercial marketplace to obtain the invention as specified in claim 61.

Conclusion

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurie Ries whose telephone number is (571) 272-4095. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached at (571) 272-4136.

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LR

William L Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
12/11/2005